

REMARKS

Applicant has studied the Office Action dated November 30, 2006. Claims 1-23 and 25-37 are pending. Claims 1-23 have been amended and claim 24 has been canceled without prejudice. New claims 25-37 have been added. Claims 1, 6, 11, 15, 20, 25 and 31 are independent claims. No new matter has been added as the amendments and new claims have support in the specification as originally filed.

It is submitted that the application, as amended is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Claim for Foreign Priority under 35 U.S.C. § 119

The Examiner acknowledged the Applicant's claim for foreign priority under 35 U.S.C. § 119 and indicated that a certified copy of the priority document had not yet been received. It is respectfully noted that a certified copy of the priority document, KR 199-0063, was filed in U.S. (Pat. Appln. Ser. No. 09/467,965), of which the present application is a continuation-in-part. It is respectfully requested that the Examiner acknowledge its receipt.

Amendments to the Claims

Claims 1-23 have been amended to correct typographical or grammatical errors or to more clearly disclose the invention. It is respectfully submitted that the amendments have support in the application as originally filed and are not related to patentability.

§ 101 Rejection

The Examiner rejected claim 24 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Specifically, the Examiner asserted that claim 24, which is directed to a recording medium, is not directed to statutory subject matter because data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes.

With this paper, claim 24 has been canceled without prejudice. It is respectfully submitted that the rejection is, therefore, moot and it is respectfully requested that the rejection be withdrawn.

§ 102 Rejections

Claims 1-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kim et al. ("Kim" U.S. Patent Appln. Pub. 2006/0190467). Applicant respectfully traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

With this paper, claim 24 has been canceled without prejudice. It is, therefore, respectfully submitted that the rejection is moot with respect to claim 24 and it is respectfully requested that the rejection be withdrawn.

It is respectfully noted that the present application is a Continuation-in-Part of U.S. Pat. Appln. Ser. No. 09/467,965 (the "U.S. '965 application"), filed December 21, 1999, and which claims priority to Korean Appln. No. 1999-00603 ("the KR '603 application"), filed January 4, 1999. It is further respectfully noted that the Examiner has acknowledged the claim for priority and a certified copy of the foreign priority document has been provided previously.

It is respectfully submitted that disclosure for all the limitations in independent claims 1, 6, 11, 15 and 20 of the present application is found in the U.S. '965 application except for the limitation related to "the index information includes an index number to locate a first stream object unit associated with the selected stream object" ("the index number limitation"). Therefore, it is further respectfully submitted that all the limitations of independent claims 1, 6, 11, 15 and 20 except for the index number limitation benefit from the December 21, 1999 filing date of the U.S. '965 application and the January 4, 1999 filing date of the KR '603 application.

On the other hand, it is respectfully noted that Kim claims priority to U.S. Pat. No. 6,789,072 ("the U.S. '072 patent), filed February 9, 2000 and to Korean Pat. Appln. Nos. 99-04467 ("the KR '467 application"), filed February 9, 1999, and 00-00715 ("the KR '715 application"), filed January 7, 2000. It is, therefore, respectfully submitted that the effective U.S. filing date of Kim is February 9, 2000 and the earliest foreign disclosure of Kim is either February 9, 1999 or January 7, 2000.

It is respectfully submitted that the U.S. filing effective filing date (December 21, 1999) and foreign priority date (January 4, 1999) of all the limitations of independent claims 1, 6, 11, 15 and 20 except for the index number limitation predate the respective U.S. filing date (February 9, 2000) and foreign priority date (February 9, 1999 or January 7, 2000) of Kim. Therefore, it is respectfully asserted that Kim is not a proper reference with regard to all the limitations of independent claims 1, 6, 11, 15 and 20 except for the index number limitation and it is respectfully requested that the objection be withdrawn.

Notwithstanding that Kim is not a proper reference with regard to all the limitations of independent claims 1, 6, 11, 15 and 20 except for the index number limitation, the Applicant respectfully disagrees with the Examiner's interpretation of Kim. It is respectfully submitted that Kim fails to disclose the index information includes an index number to locate a first stream object unit associated with the selected stream object, as recited in independent claims 1, 6, 11, 15 and 20.

It is respectfully noted that the Examiner, at paragraph 2 on pages 2-3 of the Office Action, asserts that paragraph 0016 of Kim discloses "index information includes an index number to locate a first stream object unit associated with the selected stream object." It is respectfully noted that paragraph 0016 of Kim discloses that the desired stream object unit is located through a process of summation or calculation using time information.

It is respectfully submitted that the calculation process disclosed in Kim is not sufficient to establish the required complete identity of invention with regard to index information includes an index number to locate a first stream object unit associated with the selected stream object. Therefore, it is respectfully asserted that even if Kim were applied, independent claims 1, 6, 11, 15 and 20 are still allowable and it is further

respectfully asserted that claims 2-5, 7-10, 12-14, 16-19 and 21-23 also are allowable by virtue of their dependence from an allowable independent claim.

New Claims

With this paper, new claims 25-37 have been added. It is respectfully asserted that the claims, which recite limitations similar to those of claims 1, 6, 11, 15 and 20, are allowable for the same reasons given herein with regard to claims 1, 6, 11, 15 and 20.

CONCLUSION

In view of the above remarks, Applicant submits that claims 1-23 and 25-37 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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